

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAULTYN JAMES COMPARATO,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:21-cv-448-MTS
)	
SEAN SMITH, <i>et. al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff’s request for records under the Missouri Sunshine Act.¹ Doc. [33]. For the following reasons, the Court denies without prejudice Plaintiff’s request for records.

Plaintiff is a *pro se* litigant currently incarcerated at Southeast Correctional Center (“SECC”). In his request for records Plaintiff states:

I believe I[‘]ve not received my legal mail and am requesting under the Sun Shine law for records regarding Case No. 4:21-cv-448 MTS.

I[‘]ve received nothing regarding when my defendant Sean Smith and when Ethan Jones was active on my case.

Today I received Mr. Sean Smith[‘]s Answer and affirmative defenses to Comparato’s Complaint on 11-18-22 when it was filed on 9-23-22.

Upon receipt of Plaintiff’s request for records on November 23, 2022, the Clerk of Court sent Plaintiff a copy of the docket sheet. Plaintiff has not requested additional documents since that time.²

¹ The Court is not governed by the Missouri Sunshine Act. *See, e.g., In re Kansas City Star*, 73 F.3d 191,195-196 (8th Cir. 1996).

² The Court takes judicial notice that Plaintiff filed an interlocutory appeal in this matter on December 2, 2022, regarding the Rule 4(m) dismissal of defendant Unknown Jones. Doc. [34]. The action was held in

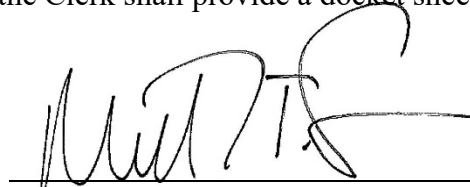
To the extent Plaintiff seeks other documents, from either the Court or defendants, any additional requests for documents must specify which documents Plaintiff believes he is missing and whether he attributes the failure to receive documents to SECC, the Court, or to defendants i.e., whether Plaintiff is missing orders from the Court or discovery documents from defendants. The Court will provide Plaintiff a copy of the most recent docket sheet.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's request for records under the Missouri Sunshine Act, Doc. [33], is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall provide a docket sheet to Plaintiff.

Dated this 1st day of May, 2023.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE

abeyance pending the outcome of the interlocutory appeal until issuance of the judgment and accompanying mandate from the Eighth Circuit Court of Appeals on April 27, 2023, which dismissed the appeal for lack of jurisdiction. Docs. [51–52].